

December 16, 2003 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04SN0168

The Restaurant Co.

Clover Hill Magisterial District
North line of Hull Street Road

REQUEST: Amendment to Conditional Use (Case 97SN0223) to permit exceptions to sign requirements.

PROPOSED LAND USE:

The property, in combination with another portion of the parent parcel, is planned for development as a fast food restaurant. The applicant is requesting an amendment to allow flexibility in the lettering color for building-mounted signage which is currently restricted to white lettering.

RECOMMENDATION

The conditions were negotiated between the applicant of Case 97SN0223 and area property owners. After consideration of public input, should the Commission wish to approve this amendment, the acceptance of the Proffered Conditions would be appropriate.

- (NOTES: A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.
- B. IT SHOULD BE NOTED THAT THE PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE COMMISSION'S PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES." THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF REPRESENTATIVES FROM THE AFFECTED NEIGHBORHOOD(S), STAFF AND THE COMMISSIONERS HAVE NOT HAD SUFFICIENT TIME TO

EVALUATE THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO THOROUGHLY REVIEW THE PROFFERS.)

PROFFERED CONDITIONS

1. With the exception of an Arby's Restaurant, all building mounted signs shall be white in color and have a maximum logo square footage of one and one-fifth the building mounted letter height. All building mounted signage for an Arby's Restaurant shall be either white or red in color and shall have a maximum logo square footage one and one-fifth the building mounted letter height. (P)

(Staff Note: This proffered condition supersedes Proffered Condition 8 of Case 97SN0223. Except as stated herein, signs must conform to the requirements of the Zoning Ordinance.)

2. Prior to the issuance of any sign permit, the Planning Department shall be provided with documentation of the Brandermill Community Association's Architectural Review Board's approval of such sign(s). (P)

GENERAL INFORMATION

Location:

Northeast quadrant of Hull Street Road and Bayside Lane. Tax IDs 728-674-Part of 8705 and 729-674-Part of 0215 (Sheet 15).

Existing Zoning:

C-3 with Conditional Use

Size:

3.0 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North, East, South and West - C-3 with Conditional Use; Commercial or vacant

UTILITIES; ENVIRONMENTAL; AND PUBLIC FACILITIES

The requested amendment will have no impact on these facilities.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for a mix of multifamily residential, corporate office and neighborhood commercial uses.

Area Development Trends:

The request property is an outparcel of the Harbour Pointe Shopping Center. Surrounding properties are zoned Community Business (C-3) and are occupied by commercial uses or remain vacant.

Zoning History:

On December 11, 1991, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved a rezoning from Residential (R-7), Office Business (O) and Light Industrial (M-1) to Community Business (C-3) with Conditional Use to permit a shopping center, multi family residential and townhouse residential uses on a 47.4 acre tract, to include the request site. (Case 91SN0286)

On July 23, 1997, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved an amendment to Case 91SN0286 to permit a drug store/pharmacy with drive-in window on a 3.6 acre tract that included the request site (Case 97SN0223). With approval of this request, a proffered condition was accepted requiring that all signs conform to the Harbour Pointe Village Shopping Center Sign Package (Proffered Condition 8 of Case 97SN0223). For out parcel development, this package addressed the letter color and logo size for building mounted signage.

On September 26, 2001, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, approved an amendment to Case 91SN0286 to permit restaurant use on a .6 acre tract (Case 01SN0254). This property is proposed to be incorporated into the request site for the purpose of development.

Site Design:

The property in conjunction with adjacent C-3 properties to the north is proposed for development as a fast food restaurant. Except as regulated by Cases 91SN0286 and 97SN0223, development must conform to the requirements of the Zoning Ordinance for Emerging Growth Districts which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, pedestrian access, utilities and screening of dumpsters and loading areas.

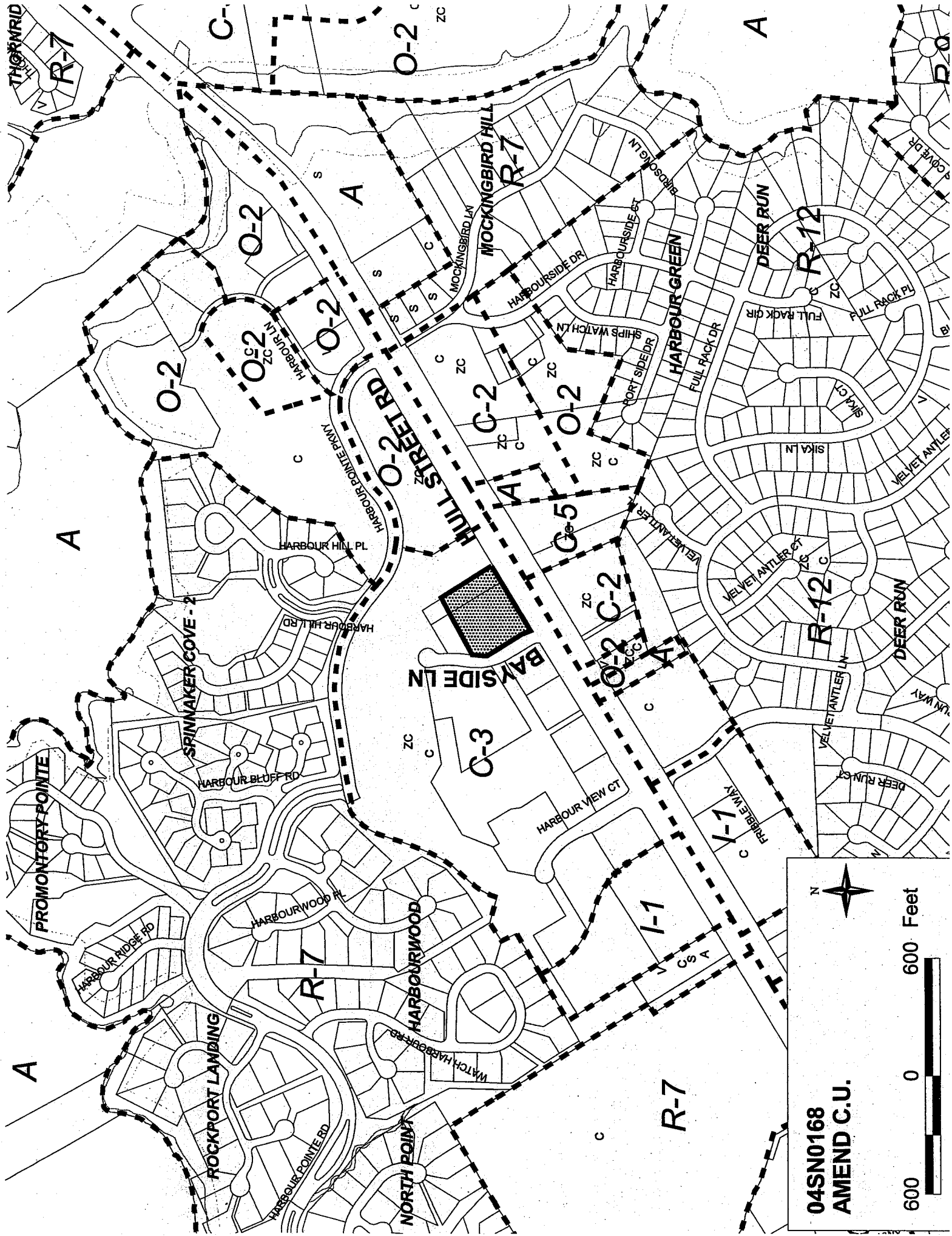
Signs:

Signs for the site are currently regulated by the Zoning Ordinance requirements, except as superseded by conditions of Case 97SN0223. Such conditions address letter color and logo size for building mounted signage used for out parcel development. Specifically, all lettering for building mounted signage must be white and the logo height cannot exceed one and one-fifth (1 1/5) times the letter height.

The applicant is requesting an amendment to these sign conditions to permit red lettering as an alternative to the white lettering requirement for an Arby's Restaurant, only. The logo height restriction would remain (Proffered Condition 1). These conditions were negotiated between the applicant of Case 97SN0223 and area property owners in an attempt to achieve consistency in signage between the Harbour Pointe Shopping Center and out parcel development. Further, proffered conditions require that all signage be approved by the Brandermill Community Association's Architectural Board (Proffered Condition 2). It should be noted that the Ordinance no longer requires adherence to sign packages for projects existing prior to November 9, 1994, which includes the Harbour Pointe Shopping Center. Signs for such developments must comply with requirements of the Ordinance and zoning conditions and may also be subject to privately-enforced requirements and review processes.

CONCLUSIONS

The conditions of the 1997 zoning case were negotiated with area property owners. After consideration of public input, should the Commission and Board wish to approve this amendment, the acceptance of the proffered conditions would be appropriate.



04SN0168
AMEND C.U.



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